

Mark Purcell/R6/USEPA/US

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To "Sally Smith" <sallys@gilanet.com>

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Subject Re: AOC Chino

Hi Sally,

EPA supports NMED in the AOC process. We received copies of all plans and reports for review and comment from NMED. And we have commented on most of them. NMED is very good about making sure EPA has the opportunity to be involved in this process.

EPA also supports NMED in its performance of the Chino risk assessments. Our toxicologist (we referred to them as risk assessors) have reviewed most, if not all, of the risk assessment reports, along with the sampling plans prepared for gathering risk assessment data.. NMED and EPA have meet at times to discuss the approach of the risk assessment work and the risk-based levels developed for certain contaminants. We also reviewed other EPA record of decisions (RODs) for sites across the country, especially mining sites, to determine how EPA approached site characteristics, contaminants, and potential land use scenarios similar to Chino in its risk assessments and the cleanup levels established in the RODs.

One of my responsibilities at EPA is to review all aspects of the project to ensure that a CERCLA-quality RI/FS and remedy are performed at Chino. CERCLA is the Comprehensive Environmental Response, Compensation and Liability Act (known as the Superfund law). I try to help NMED ensure that the work at Chino is consisted with CERCLA and the regulations for CERCLA, known as the National Oil and Hazardous Substances Pollution Plan or NCP. CERCLA requires rigorous standards for environmental response actions at a site. A response action or cleanup under CERCLA must be protective of public health, welfare and the environment and must meet the most stringent federal or state requirements that are considered applicable or relevant and appropriate requirements (ARARs) for a site.

NMED has been directing Phelps Dodge to conduct response actions at Chino as Interim Remedial Actions (IRAs). For example, the residential yard cleanups at Hurley. The EPA fully supports this approach as it allows for the expedited cleanup of specific areas (or investigation units) while the site-wide RI/FS and risk assessment work are ongoing.

Although much of the work is being performed through these IRAs, there will ultimately be a final record of decision for this site. It will document all of the IRAs conducted to date, any further remedial action that will be needed to protect human health, welfare and the environment, meet all ARARs, and be the preferred action of NMED when considering all the CERCLA criteria for evaluating remedial alternatives, including community acceptance. In other words, the IRAs and final remedy, when combined, will achieve the level of a CERCLA-quality cleanup.

EPA will continue to support NMED to ensure that this is done.

I hope this helps.

Mark

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